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WESTERN DISTRICT OF WASHINGTON DEPUTY



08-CV-01441-ORD

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PHILLIP PLATA,

Petitioner,

v.

THERESA TALPALACIDO, et. al.,

Respondents.

Case No. C08-1441-JLR-BAT

ORDER OF DISMISSAL

The Court, having reviewed petitioner's Petition for Writ of Mandamus (Dkt. 1) submitted pursuant to 28 U.S.C. § 1361, the Report and Recommendation of United States Magistrate Judge Brian A. Tsuchida, the governing law, and the balance of the record, does hereby ORDER:

- 1) The Court adopts the Report and Recommendation.
- 2) Petitioner's Petition for Writ of Mandamus (Dkt. 1) is DENIED and DISMISSED with prejudice.
- 3) Petitioner's application to proceed *in forma pauperis* is DENIED as moot.
- 4) The Clerk of Court is directed to send copies of this Order to the parties and to

Magistrate Judge Brian A. Tsuchida.

DATED this 31st day of October, 2008.

JAMES L. ROBART
United States District Judge